

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Richard G. Summers,

Plaintiff,

v.

County of Charleston and/or The Charleston  
County Sheriff's Department, Deputy R. Stern,  
Deputy M. Sharpe, Deputy H.E. Bohlander,

Defendants.

Civil Action No.: 2:10-cv-03291-RMG-BM

**Exhibit 18**

***Charleston County Sheriff's Office  
Policy and Procedure Manual******Procedure 6-06  
Use of Force Continuum*****6-06 USE OF FORCE CONTINUUM**

NEW       REVISED       REVIEWED

CALEA STANDARDS REF. NUMBERS: 1.3.1

APPROVED:

Sheriff J. Al Cannon, Jr., Esq.

06-21-07  
Date

### I. Purpose

To provide deputy sheriffs of the Charleston County Sheriff's Office with guidelines in making critical use of force decisions.

### II. Policy

Charleston County Sheriff's Office deputy sheriffs will use only the force reasonably necessary to accomplish lawful objectives. (Ref: CALEA 1.3.1)

### III. Definitions

- A. Force: Conduct on the part of a deputy sheriff that is designed to assist the deputy sheriff in controlling a situation or the actions or behavior of a person or persons.
- B. Continuum of Force: The escalation of force used by a deputy sheriff in order to control a situation or the actions of persons, from minimum to maximum, i.e., verbal control, intermediate force, to deadly force.
- C. Deadly Force: Any use of force that is likely to cause death or serious physical injury.
- D. Less Lethal Weapon: Weapon designed to incapacitate a subject or gain compliance from a subject to affect a safer transition of the subject into custody.

**Charleston County Sheriff's Office  
Policy and Procedure Manual**

**Procedure 6-06  
Use of Force Continuum**

E. Serious Physical Injury: Any bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment to any bodily member or organ.

F. Levels of Resistance:

1. Non-Verbal and Verbal Non-Compliance: The subject demonstrates non-compliance through verbal and non-verbal means. Statements by a subject ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and observable mannerisms.
2. Passive Resistance: The subject does not cooperate with a deputy sheriff's commands by non-compliant inaction. An example of this would be a protestor who lies down in front of a doorway, and must be carried away upon arrest.
3. Defensive Resistance: The subject engaging in defensive resistance takes action to prevent being taken into custody. The goal of this action is escape, but not injury to the deputy sheriff. This action may include twisting, pulling, or running away.
4. Active Aggression: The subject is overtly attempting to injure the deputy sheriff. This aggression may manifest itself through punching, kicking, biting, or pushing.
5. Aggravated Active Aggression: Includes actions that are likely to result in the death or serious bodily injury to a deputy sheriff or another person. These actions may include the discharge of a firearm, use of a blunt or bladed weapon or extreme physical force.

G. Levels of Control:

1. Professional Presence: The display of visual images of authority as well as a professional manner are present at every level of resistance. This includes all symbols of law enforcement authority including the badge, uniform, and marked law enforcement vehicle.
2. Verbal Dialogue and Commands: Communication is critical to

***Charleston County Sheriff's Office  
Policy and Procedure Manual******Procedure 6-06  
Use of Force Continuum***

any potential use of force situation. This level of control includes any verbal requests, directions, or commands from the deputy sheriff to a subject. Verbal interaction is present at every level of resistance.

3. Soft Empty Hand Control: These techniques are not impact oriented, and include pain compliance pressure points, takedowns, joint locks or simply grabbing onto a subject.
4. Oleoresin Capsicum (OC) Spray: An agency authorized and issued handheld chemical agent (non-alcohol based) that emits a chemical solution composed of oleoresin capsicum, a natural oil of pepper, and a carrier agent, which is designed to incapacitate an aggressive or resistant subject with no lasting after-effects.
5. Conducted Energy Weapon: The X26 Taser delivers electrical energy by using compressed air to fire two probes from a detachable cartridge on the front of the weapon. The probes are attached to the cartridge by insulated light gauge wire. Once fired, the probes attach to the subject.
6. Hard Empty Hand Control: These techniques are impact oriented and include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to get a subject under control. Defensive strikes are used by deputy sheriffs to protect them from attack.
7. Impact Weapon Strikes: Non-deadly impact weapon strikes are targeted towards major muscle groups and are used to get a subject under control. The common peroneal nerve on the side of the leg is the primary target for impact weapon strikes.
8. Deadly Force: Any use of force that is likely to cause death or serious physical injury.

#### IV. Procedure

##### A. Use of Force Continuum

**Charleston County Sheriff's Office  
Policy and Procedure Manual**

**Procedure 6-06  
Use of Force Continuum**

Non-Verbal/ Verbal Non-Compliance								Deadly Force
Passive Resistance							Impact Weapon	
Defensive Resistance							Hard Empty Hand	
Active Aggression							Conducted Energy Weapon	
Aggravated Active Aggression							O.C. Spray	
Shaded areas indicate appropriate levels of response.								

- B. The Use of Force Continuum is not designed to be a step-by-step progression. Therefore, the escalation and de-escalation by the deputy sheriff or the subject may not be sequential. As noted above more than one level of response may be appropriate for a particular level of resistance, depending on the circumstances.
- C. Both State and Federal law require that all force be reasonable. In *Graham v. Connor*, the United States Supreme Court stated, "the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the deputy sheriffs or others and whether he is actively resisting arrest or attempting to evade arrest by flight". In addition, deputy sheriffs should take into account their own abilities and limitations.